

NO. 01-18-00930-CR

KYLE DEAN KUYKENDALL

VS.

THE STATE OF TEXAS

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§

IN THE FIRST COURT

OF APPEALS

HOUSTON, TEXAS

FILED IN  
1st COURT OF APPEALS  
HOUSTON, TEXAS

1/3/2019 5:33:51 PM

CHRISTOPHER A. PRINE  
Clerk

**MOTION TO EXTEND TIME TO FILE APPELLANT'S BRIEF**

**TO THE HONORABLE JUSTICES OF SAID COURT:**

Now comes KYLE DEAN KUYKENDALL, Appellant in the above styled and numbered cause, and moves this Court to grant an extension of time to file appellant's brief, pursuant to Rule 38.6 of the Texas Rules of Appellate Procedure, and for good cause shows the following:

1. This case is on appeal from the 198TH Judicial District Court of Kerr County, Texas.

2. The case below was styled the STATE OF TEXAS vs. KYLE DEAN KUYKENDALL, and numbered B15-684.

3. Appellant was convicted of bail jumping and failure to appear.

4. Appellant was assessed a sentence of ten (10) years on August 1, 2018.

5. Notice of appeal was given on August 31, 2018.

6. The clerk's record was filed on November 28, 2018; the reporter's record was filed on October 12, 2018.

7. The appellate brief is presently due on January 3, 2019.

8. Appellant requests an extension of time of 30 days from the present date, i.e. February 2, 2019.

9. No extension to file the brief has been received in this cause.

10. Defendant is currently incarcerated.

11. Appellant relies on the following facts as good cause for the requested extension:

Undersigned counsel is still reviewing the reporter's record and is in the process of conducting legal research into meritorious issues to raise on appeal.

Undersigned counsel respectfully requests additional time to complete the review of the record and preparation of the brief.

**WHEREFORE, PREMISES CONSIDERED**, Appellant prays that this Court grant this Motion To Extend Time to File Appellant's Brief, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

M. Patrick Maguire, P.C.  
Attorney and Counselor  
945 Barnett Street  
Kerrville, Texas 78028  
Tel: (830) 895-2590  
Fax: (830) 895-2594

By: 

M. Patrick Maguire  
State Bar No. 24002515

Attorney for Appellant  
KYLE DEAN KUYKENDALL

**CERTIFICATE OF SERVICE**

This is to certify that on ~~December~~ <sup>January</sup> 3, 2018, <sup>2019</sup>, a true and correct copy of the above and foregoing document was served on the 198th District Attorney, Scott Monroe, by facsimile transmission to 315-2461.

  
M. Patrick Maguire

STATE OF TEXAS

COUNTY OF KERR

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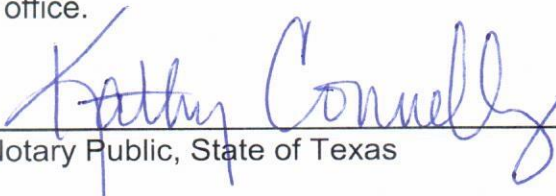
**AFFIDAVIT**

**BEFORE ME**, the undersigned authority, on this day personally appeared M. Patrick Maguire, who after being duly sworn stated:

"I am the attorney for the appellant in the above numbered and entitled cause. I have read the foregoing Motion To Extend Time to File Appellant's Brief and swear that all of the allegations of fact contained therein are true and correct."

  
\_\_\_\_\_  
M. Patrick Maguire  
Affiant

**SUBSCRIBED AND SWORN TO BEFORE ME** on Jan. 3, 2019, 2018, to  
certify which witness my hand and seal of office.

  
\_\_\_\_\_  
Notary Public, State of Texas

